

REMARKS

Applicant thanks the Examiner for removing the rejections under 35 U.S.C. § 102(e) in the prior office action.

Claims 1 - 22 have been rejected under 35 U.S.C. § 103(a) as obvious in view U.S. Patent Application Pub. No. 2003/0142641 of Sumner et al. (hereinafter "Sumner") viewed in combination with U.S. Patent No. 6,873,617 to Karras (hereinafter "Karras"). Applicant disagrees, and respectfully submits that the claims are in condition for allowance.

Further, claims 1-20 and 22 have been rejected under the judicially-created doctrine of obviousness-type double patenting. A terminal disclaimer will be filed in this case in due course to overcome this double-patenting rejection.

Additionally, by the foregoing amendment, Applicant has canceled claim 21 without prejudice. Claims 1-20 and 22 are now pending in this application.

Rejections under §103

As discussed in Applicant's previous response, the present invention relates to a method for detecting unauthorized use of a wireless local area network. Independent claim 1 recites:

A method for detecting unauthorized use of a wireless local area network having at least one mobile unit that communicates with at least one access point, comprising:
 accumulating first network traffic data at a mobile unit;
 accumulating second network traffic data at an access point;
 communicating said first and second traffic data to a computer; and
 correlating said first and second traffic data in said computer to identify non-correlated traffic data and signaling an alarm condition when said non-correlated traffic data exceeds a threshold portion of said traffic data.

Sumner relates generally to a system for managing wireless network data, specifically in the context of a wireless wide-area network (WWAN). (Sumner, Abstract, Specification, ¶0002-4). The portions of Sumner cited by the Examiner relate to the use of WLAN data in conjunction with GPS location data. A wireless device may cooperate with a control point by posting its location to the control point as determined from a GPS network. (Sumner, Specification, ¶0037).

However, as conceded by the Examiner on p. 3 of the Office Action, Sumner fails to disclose or suggest at least the claimed step of “correlating said first and second traffic data in said computer to identify non-correlated traffic data and signaling an alarm condition when said non-correlated traffic data exceeds a threshold portion of said traffic data.” The present invention utilizes this correlation function to determine, e.g., whether unauthorized mobile units may be communication with an authorized base station (which would be apparent only after the data from the mobile units and the base stations is coordinated in order to identify communications received by the base station but not transmitted from any authorized mobile units) or whether mobile units may be communicating with a an unauthorized device acting as an authorized base station (again, which activity can be identified, in accordance with the present invention, by correlating all data traffic received/transmitted by the authorized base stations and mobile units). A multitude of different types of wireless network communications may be used in this claimed correlation function to identify unauthorized network access. (See, e.g., Specification, ¶0020).

The Examiner now cites Karras as allegedly disclosing these claim limitations. Applicant believes that Karras does not.

Karras relates to a system and method of “in progress” fraud, billing and maintenance in an SS#7 network of high speed data links. The cited portions of Karras (col. 3, ln. 6 to col. 4, ln. 17 and 64 to col. 5, ln. 39) do not disclose or suggest “correlating said first and second traffic data in said computer to identify non-correlated traffic data and signaling an alarm condition when said non-correlated traffic data exceeds a threshold portion of said traffic data.”

As disclosed in the specification of the present application, the correlating step is performed “to correlate messages sent by the access points 16 to the messages received and acknowledged by the mobile unit 18 to which the messages were addressed.” (*See* Specification, p. 4, lns. 9-24). No such disclosure of the correlation of sent and received messages is disclosed in the cited portions of Karras. In fact, the portion of Karras that apparently was identified by the Examiner in the search, explains “Process SS#7 data from mated STP’s links in real-time to produce data blocks of correlated call messages in a decoded Dump 7 format for instant protocol analysis of network failures.” (Karras, col. 3, lns. 35-38). This analysis of a protocol (some unexplained “correlation” of “call messages”) does not provide any disclosure or suggestion of analyzing and/or matching sent messages and acknowledged received messages, and certainly does not disclose or suggest doing so for network security (here it appears that the purpose of Karras’ “correlation” is for analyzing network failures). For at least these reasons, Applicant respectfully submits that the references, even if properly viewed in combination, fail to disclose or suggest several limitations of the claimed invention.

Accordingly, because Sumner and Karras both fail to disclose or suggest these claim limitations, Applicant respectfully submits that claim 1 is in condition for allowance.

Further, because claims 2-19 contain this limitation through dependency, and claims 20 and 22 contain similar limitations, Applicant respectfully submits that all pending claims are in condition for allowance.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant hereby authorizes the Commissioner to charge payment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 02-4377. In the event that the application is not deemed in condition for allowance, the examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,



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